

# United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

BRENNA L. STEWART

**ECF CASE**

## SUMMONS IN A CIVIL CASE

v.

CASE NUMBER:

**04 CV 07271**

THE CITY OF NEW YORK, P. O. F/N/U  
RODRIGUEZ, P.O. JOHN DOE and  
SERGEANT RICHARD ROE, unknown  
employees of the New York City Police  
Department, individually and as P.O.s for NYC

TO: (Name and address of defendant)

See attached Rider I

**JUDGE SCHEDULING**

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

JOANNE M. DWYER, ESQ.  
225 Broadway  
41st Floor  
New York, NY 10007

04 SEP 10 PM '04  
U DISTRICT COURT  
RECEIVED

an answer to the complaint which is herewith served upon you, within 20 days after service of this  
summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for  
the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period  
of time after service.

SEP 10 2004

J. MICHAEL McMAHON

CLERK

DATE

*Debra A. Abas*

(BY) DEPUTY CLERK

UNITED STATES DISTRICT COURT/SOUTHERN DISTRICT OF NEW YORK Attorney: JOANNE M DWYER - 378

BRENNNA L STEWART

Index #: 04 CV 07271

Plaintiff(s)

- against -

Date Filed:

THE CITY OF NEW YORK ET AL

**AFFIDAVIT OF SERVICE**

Defendant(s)

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

WILLIAM MORRISON BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on December 22, 2004 at 11:50 AM at

44TH PRECINCT  
 2 EAST 169TH STREET  
 BRONX, NY 10452

deponent served the within true copy/copies of the SUMMONS &amp; COMPLAINT on POLICE OFFICER MARIA RODRIGUEZ, SHIELD# 10370, the defendant/respondent therein named,

**SUITABLE AGE** by delivering thereat a true copy/copies of each to LT. HOFFMAN a person of suitable age and discretion. Said premises is the defendant's/respondent's actual place of business within the state. She identified herself as being AUTHORIZED to accept for the defendant/respondent.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx)
FEMALE	BROWN	BLACK	34	5'3	125

**MAILING** Deponent enclosed a true copy/copies of same in a postpaid wrapper properly addressed to the defendant/respondent at the defendant's/respondent's actual place of business at

44TH PRECINCT  
 2 EAST 169TH STREET  
 BRONX, NY 10452

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on December 23, 2004 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside envelope thereof, by return address or otherwise that the communication is from an attorney or concerns an action against the party to be served.

**MILITARY SERVICE** Person spoken to was asked whether the defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

Sworn to me on: December 23, 2004

  
 Larry Yee  
 Notary Public, State of New York  
 No. 01YE5015682  
 Qualified in New York County  
 Commission Expires July 26, 2005

Linda L. Forman  
 Notary Public, State of New York  
 No. 01FO5031305  
 Qualified in New York County  
 Commission Expires Aug 1, 2006

Stuart J. Forman  
 Notary Public State of New York  
 No 31-4828240  
 Qualified in New York County  
 Commission Expires June 30, 2007

  
 WILLIAM MORRISON  
 License #: 870436  
 Docket #: 307085